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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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DES MOINES, IA 50309-4076

EXAMINER

MARANDI, JAMES R

ART UNIT

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2421

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,514	Applicant(s) AL AMRI, MOOSA EISA	
	Examiner JAMES R. MARANDI	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application, on 4/3/2009, after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/3/2009 has been entered.

Response to Amendment

This action is in response to applicant's amendment filed on 3/3/2009. Claims 1-13 are presently pending.

Response to Arguments

Applicant's arguments filed on 3/3/2009 have been fully considered but they are not persuasive.

Applicant argues that: ***“Kusaba's system does not select an indication of a channel that is available to broadcast a selected video content immediately or with a delay in correspondence with a user command, and provide an indication of the selected channels available to broadcast the selected video content. Kusaba's indication consisted of selection of the Title and a present or future broadcast time”***. Page 6 of Remarks, 3rd Paragraph

Examiner disagrees. Upon selection of a title (Kusaba, Fig. 4B), the system of Kusaba selects channels that are available to broadcast said title, immediately or with delay (the time lapses are readily available in 421), as shown in Fig. 4C, at which point, the user command (desired channel with acceptable delay) initiates showing of the program.

Applicant further argues that ***“Kusaba never provides an automated channel selection or a partly automated channel selection that is assisted by a user command, as required by Applicant's claim 6”***.

Both claims 1 and 6 recite **“selection of a channel Corresponding to a user command”**; this limitation is taught by Kusaba, as discussed above. Also see, Kusaba, Col. 4, line 7 through Col. 5, line 22.

Kusaba provides the user multiple channels showing the desired title, each with immediacy or delays as presented in Fig. 4C. The user command will launch the desired channel. This feature, at minimum, fully satisfies the limitation of a partly

automated channel selection that is assisted by a user command, as recited by the applicant.

Applicant further argues against combination of Kusaba and Murphy, and “***reiterates that skilled person is not guided by Kusaba's disclosure, which is limited to stored video data, to perceive the usefulness of Murphy's live video collection in Kusaba's disclosure. Moreover, Murphy's disclosure pertains to video-on-demand only for Internet distribution; Murphy has not recognized the potential for video-on-demand for live videos by TV transmission. Therefore the skilled person has no guidance or incentive to combine the two disclosures and has no reason for combining the disclosures.***” Page 7 of remarks, last paragraph, and page 8, lines 1-3

Examiner respectfully refers the applicant to the office action of Oct. 3, 2008. As stated, Kusaba's video storage (102) attached to the video server (101) includes recorded videos and video-on-demand but does not disclose live broadcasts. Furthermore, Kusaba's disclosure of the server (111) does not explicitly mention an authorization server, even though it is reasonable that only authorized users (paid subscribers) have access to the system.

Art Unit: 2421

Murphy reference was introduced since Murphy's Master Server (Fig. 5) allows connectivity to live broadcast (and also authorization capability). See Col. 12, lines 12-63

Therefore, it would have been obvious to an artisan, at the time of invention, to modify Kusaba's system (Server 101) with Murphy's invention (Master server) in order to allow the viewers access to more content while allowing the service providers to expand their plethora of services.

Claim Objections

Claims 4, 5, 6, 7, 11, 12, and 13 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim can not depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 4, 5, 6, 7, 11, 12, and 13 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2421

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 3, and 8- 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over T. Kusaba et al., US Patent No. 6,510,556 (hereinafter "Kusaba") in view of G. Murphy, US Patent No. 6,564,380 (hereinafter "Murphy"). Both references were disclosed by the applicant in IDS of 4/25/06.

Regarding claim 1, Kusaba discloses: **A system for enabling video content** (Fig. 2, stored on 102, and served by server 101) **to be selected by a user** (menu system of Figs. 4) **via the Internet (16) and for distributing selected video content via a multichannel video broadcasting system (112, 13, 121), for the selected video content to be received on a multichannel receiver (121,122) and displayed at the user's location on a TV monitor (125) or on a PC provided with a TV display card (123), the system** (Abstract, Col. 1, lines 5-14) **comprising:**

a main video server (101) for supplying a plurality of selectable video contents (as stored on 102);

a server (101) accessible via the Internet (16) for a user to transmit user commands (via network attached PC 123) **to select video contents** (sequence of commands are shown in Fig. 3) **that are to be displayed immediately or with a delay** (several available channels and time slots showing title A, as shown in Fig. 4C. The

user selects the start time therefore selecting the delay or immediacy of play time as desired/ available);

a multichannel video broadcasting apparatus (112, 13); and

a distribution server (111, which not only comprises video server 101, but also corresponding scheduler and commander) for supplying, from the main video server (101) to the broadcasting apparatus (112), selected video contents (as selected by the users 123 through 16 and 105/106 to be broadcast on channels of the broadcasting apparatus (112,13,121);

the system being arranged to select at least one channel that is available to broadcast a selected video content (user selects desired channel showing Title A, as in Fig. 4C, via 422) immediately or with a delay in correspondence with a user command (several available channels and time slots showing title A, as shown in Fig. 4C. The user selects the start time therefore selecting the delay or immediacy of play time as desired/ available), and to provide an indication of the selected channel(s) available to broadcast the selected video content (Ch. 1-7 as shown in Fig. 4C), said indication of the selected channel(s) being available to the user via a server (111) and the Internet (16) and as shown on user selection menu system of Figs 4; and

the system being arranged to initiate the broadcast of a selected video content (Title A, Fig. 4C) on the indicated available channel (any selected channel, e.g. 1-7) immediately or with a delay in correspondence with said user command(several available channels and time slots showing title A, as shown in Fig.

4C. The user selects the start time therefore selecting the delay or immediacy of play time as desired/ available. It should be noted that the provider is able to set the level of this immediacy for an added fee. For example, as disclosed in Col.4 line 63 through Col. 5, line 9, the provider may allow the user to select a movie and join a previously reserved movie for an added charge immediately). (Col. 3. lines 66-67; Col. 4, lines 1-62)

Kusaba's disclosure of the server (video server 101, and distributing apparatus 111) does not explicitly mention an **authorization server**, even though it is reasonable that only authorized users (paid subscribers) have access to the system.

However, Murphy discloses a Master Server (Fig. 5) which performs authorization. See Col. 12, lines 12-63

Therefore, it would have been obvious to an artisan, at the time of invention, to modify Kusaba's system (Server 101) with Murphy's invention (Master server) in order to allow for proper authorization of the viewers and controlled access content.

Regarding claim 2, the system of Kusaba and Murphy discloses **wherein the main video server supplies live broadcasts, and stores and supplies recorded videos and video-on-demand**. As analyzed in claim 1, see Murphy's Fig. 5, where Video

Servers supply/serve live video, stored video, and Video-on-demand (Also see Col. 12, lines 33-63).

Regarding claim 3, **wherein the multichannel video broadcasting apparatus is a digital broadcasting apparatus having a broad bandwidth with several hundreds of channels** (Kusaba: Fig. 2, 112, 13, 121. Satellites are digital broadcasting apparatus with broad bandwidth).

Regarding claim 8, Kusaba discloses **A method for enabling a user to select a video content** (Fig. 2, stored on 102, and served by server 101) **via the Internet (16) and for distributing selected video content via a multichannel video broadcasting system (112, 13, 121) for the selected video content to be received on a multichannel receiver (122) and displayed at the user's location on a TV monitor (125) or on a PC provided with a TV display card (123), the method comprising:**

Selecting, from a plurality of selectable video contents that are stored on a main video server (as stored on 102, and served by 101), **video contents that are to be displayed immediately or with a delay** (several available channels and time slots showing title A, as shown in Fig. 4C. The user selects the start time therefore selecting the delay or immediacy of play time as desired/ available), **in response to user commands transmitted via the internet** (video server 101 is accessible to the user's home system 12, via internet 16, and command menu system shown in Figs. 4) ;

Supplying selected video content from the main video server (101) to a multichannel video broadcasting apparatus (112, 13), for the selected video content to be broadcast on an available channel of the broadcasting apparatus (102, 101; 400);

providing a selection of at least one channel that is available to broadcast the selected video content immediately or with a delay in correspondence with said user command. (The user selects the start time therefore selecting the delay or immediacy of play time as desired/ available, based on available channels and time slots showing title A, as shown in Fig. 4C)

providing an indication of the selected channel available to broadcast the selected video content (Fig. 4C, shows available channels 1-7, and user makes a selection via 422), **said indication being available to the user via the internet** (Menu system of Figs. 4 is available on users PC 123 via 16); **and**

initiating the broadcast of a selected video content on an indicated channel immediately or with a delay in correspondence with said user command (several available channels and time slots showing title A, as shown in Fig. 4C. The user selects the start time therefore selecting the delay or immediacy of play time as desired/ available. It should be noted that the provider is able to set the level of this immediacy for an added fee. For example, as disclosed in Col.4 line 63 through Col. 5, line 9, the provider may allow the user to select a movie and join a previously reserved movie for an added charge immediately). (Col. 3. lines 66-67; Col. 4, lines 1-65)

Kusaba's disclosure of the server (111) does not explicitly mention an **authorization server**, even though it is reasonable that only authorized users (paid subscribers) have access to the system.

However, Murphy discloses a Master Server (Fig. 5) which performs authorization. See Col. 12, lines 12-63

Therefore, it would have been obvious to an artisan, at the time of invention, to modify Kusaba's system (Server 101) with Murphy's invention (Master server) in order to allow for proper authorization of the viewers and controlled access content.

Kusaba also does not disclose **automated selection of a channel available to broadcast immediately or with a delay in correspondence with a user command**

However, Murphy discloses a video server automatically creating a web page (channel) and automatically linking all requested video feeds (content) to said web page/ channel for immediate showing to the requesting user (Col. 4, line 64 through Col. 5, line 13).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to modify Kusaba's partly automated system of channel selection, with Murphy's automated invention in order to increase/ improve user convenience.

Regarding claim 9, Kusaba's video storage (102) attached to the video server (101) includes **recorded videos and video-on-demand** but does not disclose **live broadcasts**.

However, Murphy discloses **live broadcasts, recorded videos and video-on-demand** (Fig. 5, where Video Servers supply/serve live video, stored video, and Video-on-demand, also see Col. 12, lines 33-63).

Therefore, it would have been obvious to an artisan, at the time of invention, to modify Kusaba's system with Murphy's invention in order to allow the viewers access to more content while allowing the service providers to expand their plethora of services.

Regarding claim 10, **wherein the selected video contents are broadcast on a channel selected from a broad bandwidth with several hundreds of channels** (Kusaba: Fig. 2, 112, 13, 121. Satellites are digital broadcasting apparatus with broad bandwidth).

Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES R. MARANDI whose telephone number is (571)270-1843. The examiner can normally be reached on 8:00 AM- 5:00 PM M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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